

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:21-cv-00366-MR**

JASON CARMONA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
UNION COUNTY SHERIFF'S OFFICE,)	<u>ORDER</u>
et al.,)	
)	
Defendants.)	
)	

THIS MATTER is before the Court sua sponte.

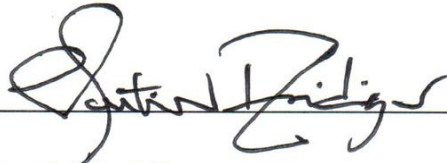
The *pro se* Plaintiff filed this civil rights action pursuant to 42 U.S.C. § 1983 addressing an incident at the Union County Jail (UCJ) on March 5, 2021 when the Plaintiff was allegedly attacked and injured by other inmates. On March 7, 2022, the Second Amended Complaint passed initial review against Defendants Martin and Younts for failure to protect, and the Court exercised supplemental jurisdiction over the Plaintiff's North Carolina due process claims against those Defendants. [Doc. 23]. Claims of deliberate indifference to a serious medical need for the allegedly deficient treatment of his injuries were dismissed on initial review. [Id.]. Defendants Martin and Younts were served and have filed an Answer. [Doc. 26].

The Plaintiff subsequently filed a separate action, Case No. 3:22-00122-MR, asserting claims of deliberate indifference to a serious medical need for the allegedly inadequate treatment of a hand fracture resulting from the March 5, 2021 incident. That case has been dismissed as duplicative of this action, and accordingly, the Plaintiff will be granted another opportunity to amend in the instant case. Accordingly, the Court will grant the Plaintiff 30 days within which to file a superseding Third Amended Complaint in the instant case, subject to all timeliness and procedural requirements. Piecemeal amendment will not be permitted. Should the Plaintiff fail to timely comply with this Order, the Court will enter a pretrial scheduling order, and this case will proceed on the Second Amended Complaint.

IT IS, THEREFORE, ORDERED that the Plaintiff shall have thirty (30) days in which to file a Third Amended Complaint in accordance with the terms of this Order. If the Plaintiff fails to comply, the matter will proceed on the Second Amended Complaint.

The Clerk of Court is respectfully instructed to mail the Plaintiff a blank § 1983 prisoner complaint form and a copy of this Order.

IT IS SO ORDERED.



Martin Reidinger
Chief United States District Judge

